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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,839	06/25/2003	Joseph Lee Haughawout	81230.93US1	2726
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GREENBERG TRAURIG, LLP			EXAMINER	
77 WEST WACKER DRIVE			NGUYEN, PHUNG	
SUITE 2500				
CHICAGO, IL 60601-1732			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/603,839	HAUGHAWOUT ET AL.
	Examiner Phung T. Nguyen	Art Unit 2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 31 January 2005.  
2a)  This action is FINAL.                  2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-41 is/are pending in the application.  
    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-16 and 18-41 is/are rejected.

7)  Claim(s) 17 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 26 is objected to because of the following informalities:

Claim 26, line 3, after "missing" insert ----

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16, and 18-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (U.S. Pat. 4,959,810) in view of Teskey (U.S. Pat. 6,747,568).

**Regarding claim 1:** Darbee et al. disclose universal remote control device which comprises all the claimed subject matter as follows:

receiving a transmission from the remote control comprising at least a part of the sequence of command codes (col. 2, lines 39-40);

determining if the transmission from the remote control included all of the command codes in the sequence of command codes (col. 2, lines 53-54); and

when the transmission from the remote control is determined to include less than

all of the command codes in the sequence of command codes, and retransmission of at least those command codes in the sequence of command codes determined to be missing (col. 13, lines 58-68, and col. 14, lines 15-16).

Darbee et al. do not disclose performing an action for the purpose of initiating a retransmission of at least those command codes in the sequence of command codes determined to be missing. However, Teskey discloses remote control code search method and apparatus which comprises performing an action for the purpose of initiating a retransmission of at least those command codes in the sequence of command codes determined to be missing (col. 6, lines 51-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Teskey in the system of Darbee et al. so that the quality of data transmitted in the transmission path is improved.

**Regarding claim 2:** Darbee et al. and Teskey do not disclose the claimed wherein the action comprises generating an audible signal. Since Teskey discloses the action (turning ON the device) to let the user knows that the transmitted signal format is the desired format (col. 6, lines 51-58), it would be obvious to the skilled artisan to use either turning ON the device or generating an audible signal to indicate that the desired signal format has been transmitted.

**Regarding claim 3:** Teskey discloses wherein the action comprises generating a visual signal (col. 6, lines 51-54).

**Regarding claim 4:** Darbee et al. disclose wherein the action comprises directly retransmitting at least those command codes in the sequence of command codes determined to be missing (col. 14, lines 22-26).

**Regarding claim 5:** Darbee et al. disclose wherein the action comprises sending a signal to the remote control to cause the remote control to retransmit at least those command codes in the sequence of command codes determined to be missing (col. 14, lines 35-39).

**Regarding claim 6:** Darbee et al. inherently disclose the claimed wherein the signal comprises data indicative of command codes within the sequence of command codes determined to be missing from the sequence of command codes (col. 14, lines 22-26).

**Regarding claim 7:** Darbee et al. disclose wherein the signal comprises command codes within the sequence of command codes determined to be missing from the sequence of command codes (col. 14, lines 22-26).

**Regarding claim 8:** Darbee et al. disclose transmitting a signal to a secondary device to cause the secondary device to retransmit at least those command codes in the sequence of command codes determined to be missing (col. 14, lines 31-34).

**Regarding claim 9:** All the claimed subject matter is already discussed in respect to claim 1 above.

**Regarding claim 10:** Refer to claim 2 above.

**Regarding claim 11:** Refer to claim 3 above.

**Regarding claim 12:** Refer to claim 4 above.

**Regarding claim 13:** Refer to claim 6 above.

**Regarding claim 14:** Refer to claim 7 above.

**Regarding claim 15:** Darbee et al. disclose wherein the command receiver is further adapted to learn the sequence of command codes directly from the remote control (col. 2, lines 34-38).

**Regarding claim 16:** Darbee et al. and Teskey do not teach wherein the command receiver is further adapted to communicate with a network whereby the sequence of command codes is downloadable into the command receiver. Since Darbee et al. disclose the sequence of command codes is downloadable into the remote control (col. 8, lines 46-47), it would be obvious to the skilled artisan to download the sequence of command codes into the command receiver also.

**Regarding claim 18:** Darbee et al. disclose wherein the command receiver is integrated within a home appliance (col. 1, lines 9-16).

**Regarding claim 19:** Darbee et al. disclose wherein the command receiver is adapted to prevent the performance of operations of a home appliance corresponding to the sequence of command codes until such time as it is determined that all of the command codes within the sequence have been successfully received by the command receiver (col. 14, lines 27-30).

**Regarding claim 20:** Darbee et al. disclose wherein the command receiver is adapted to cause an appliance to perform all of the operations corresponding to the sequence of command codes when it is determined that the command receiver has received less than all of the command codes within the sequence (col. 14, lines 27-34).

**Regarding claim 21:** Darbee et al. disclose wherein the remote control and the command receiver communicate via a network (col. 9, lines 1-12).

**Regarding claim 22:** Darbee et al. inherently disclose wherein the network comprises the Internet (col. 9, lines 1-12).

**Regarding claim 23:** All the claimed subject matter is already discussed in respect to claim 1 above.

**Regarding claim 24:** Refer to claim 2 above.

**Regarding claim 25:** Refer to claim 2 above.

**Regarding claim 26:** Refer to claim 5 above.

**Regarding claim 27:** All the claimed subject matter is already discussed in respect to claim 1 above.

**Regarding claim 28:** Teskey discloses the remote control retransmits a command code if the acknowledgement is not received within a predetermined time (col. 6, lines 49-58).

**Regarding claim 29:** All the claimed subject matter is already discussed in respect to claims 1 and 15 above.

**Regarding claim 30:** Refer to claim 4 above.

**Regarding claim 31:** Darbee et al. inherently disclose wherein a label is associated with the sequence of command codes transmitted by the remote control and the method further comprises the step of storing the label within the memory (col. 2, lines 34-38).

**Regarding claim 32:** Darbee et al. inherently disclose wherein the transmission from the remote control to place the command receiver in a learning mode comprises the label (col. 2, lines 34-38).

**Regarding claim 33:** All the claimed subject matter is already discussed in respect to claims 1 and 15 above.

**Regarding claim 34:** Refer to claim 31 above.

**Regarding claim 35:** Refer to claim 32 above.

**Regarding claim 36:** Darbee et al. disclose wherein the label is representative of a key of the remote control which, upon activation, causes the transmission of the sequence of command codes as shown in figure 1.

**Regarding claim 37:** All the claimed subject matter is already discussed in respect to claims 1 and 15 above.

**Regarding claim 38:** Refer to claim 31 above.

**Regarding claim 39:** Refer to claim 32 above.

**Regarding claim 40:** Refer to claim 36 above.

**Regarding claim 41:** Darbee et al. disclose wherein the instruction further provide for user programming of the sequence of command codes and assignment of the sequence of command codes to the key (col. 13, lines 14-19).

#### *Allowable Subject Matter*

4. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Phung Nguyen



Date: July 27, 2005